

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Shannon Ragland,

Plaintiff,

v.

Commissioner of Social Security,

Defendant.

Case No. 14-12185

Honorable Nancy G. Edmunds

**ORDER ACCEPTING AND ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [19]**

This matter comes before the Court on the Magistrate Judge's Report and Recommendation. Plaintiff filed an application for DIB and SSI benefits alleging that she had been disabled since July 20, 2011, due to lupus, osteoarthritis, a rotator cuff injury, asthma, mitral valve calcification and obesity. (Tr. 19, 21.) Although Plaintiff's request was initially denied, upon review, the ALJ found that Plaintiff was entitled to benefits beginning from her alleged onset date. Plaintiff filed a complaint in this Court *pro se* seeking additional benefits for the time before her alleged onset date.

Plaintiff has not filed a motion for summary judgment in this case. (After the Magistrate Judge ordered her to show cause, Plaintiff explained that she could not find an attorney to help her, and she was unsure of what she was required to do. The Magistrate Judge vacated the order to show cause, but Plaintiff still never filed a motion for summary judgment.) Defendant filed a motion for summary judgment on the grounds that Plaintiff was barred from getting additional benefits for the time before her alleged onset date because she had previously filed applications for benefits for that time period that were

denied and not appealed. See *Casey v. Sec'y of Health & Human Servs.*, 987 F.2d 1230, 1232 (6th Cir. 1993) (“[E]arlier decisions of the Secretary that were not appealed are final and binding.”). On May 19, 2015, the Magistrate Judge recommended the Court grant Defendant’s motion for summary judgment and dismiss the case.

On June 12, 2015, Plaintiff filed what has been docketed as “Memorandum in further support of case.” (Dkt. 20.) Dated May 31, 2015, the “Memorandum ” is essentially a letter that details the history of Plaintiff’s disability and her attempts to receive benefits. The Court is sympathetic to Plaintiff’s medical issues. However, her letter does not address the Magistrate Judge’s Report and Recommendation or its reasoning. And there does not appear to be any error in the Magistrates Judge’s recommendation. By failing to appeal the prior denials of her benefits, Plaintiff is foreclosed from receiving benefits for that time period. *Casey*, 987 F.2d at 1232 (holding that prior denials of disability applications must be given *res judicata* effect.).¹

Accordingly, the Court ACCEPTS and ADOPTS the Magistrate Judge’s Report and Recommendation. Defendant’s motion for summary judgment is GRANTED. Plaintiff’s complaint is DISMISSED.

SO ORDERED.

¹ The Court also received a letter from Plaintiff on May 20, 2015. It discusses Plaintiff’s issues in finding a lawyer to assist her in her case. The letter is dated May 13, 2015, before the Magistrate Judge issued her Report and Recommendation. However, the Magistrate Judge did not consider this letter in making her recommendation because it was received after the recommendation had already been filed. The letter does not affect the Court’s decision to adopt the Magistrate Judge’s Report and Recommendation.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 24, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 24, 2015, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager